

Application No. 10/692,545
Amendment dated October 19, 2005
Reply to Restriction Requirement of June 2, 2005

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-49 (cancelled).

50. (new) A surgical instrument for use in spinal surgery, said surgical instrument comprising:
- an elongated handle having opposed ends and a rounded gripping portion therebetween, said handle having a midpoint half way between said opposed ends;
 - a shaft having a proximal end, a distal end, and a longitudinal central axis between said proximal and distal ends, said proximal end of said shaft being attached to said handle, the longitudinal central axis of said shaft extending through said gripping portion of said handle and being offset from the midpoint of said handle; and
 - an arm extending radially from said shaft proximate said distal end of said shaft, said arm having a surface adapted to directly contact and displace cancellous bone in response to moving said shaft, said surface being adapted to make a path through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft.
51. (new) The surgical instrument of claim 50, further comprising a cylindrical portion having a height parallel to the longitudinal central axis of said shaft and a diameter transverse to the central longitudinal axis of said shaft, the diameter of said cylindrical portion being greater than the height of said cylindrical portion, said cylindrical portion forming a portion of said handle.
52. (new) The surgical instrument of claim 51, wherein said cylindrical portion is attached to said proximal end of said shaft.
53. (new) The surgical instrument of claim 51, wherein said gripping portion of said

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handle has a length and a width, the diameter of said cylindrical portion being greater than the width of said gripping portion of said handle.

54. (new) The surgical instrument of claim 50, wherein said surface is a cutting blade.
55. (new) The surgical instrument of claim 50, wherein said surface forms a sharp tip.
56. (new) The surgical instrument of claim 50, wherein said gripping portion of said handle and said shaft each have a length, the length of said shaft being greater than the length of said gripping portion of said handle.
57. (new) The surgical instrument of claim 50, wherein said arm has a cutting surface adapted to directly contact and cut cancellous bone in response to rotating said shaft, said cutting surface being adapted to make a radial cut through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft.
58. (new) An surgical instrument for use in spinal surgery, said surgical instrument comprising:
 - an elongated handle having opposed ends and a rounded gripping portion therebetween;
 - a shaft having a proximal end, a distal end, and a longitudinal central axis between said proximal and distal ends, said proximal end of said shaft being attached to said handle;
 - an arm extending radially from said shaft proximate said distal end of said shaft, said arm having a surface adapted to directly contact and displace cancellous bone in response to moving said shaft, said surface being adapted to make a path through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft; and
 - a cylindrical portion having a height parallel to the longitudinal central axis of said shaft and a diameter transverse to the central longitudinal axis of said shaft, the diameter of said cylindrical portion being greater than the height of said

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- cylindrical portion, said cylindrical portion forming a portion of said handle.
59. (new) The surgical instrument of claim 58, wherein said cylindrical portion is attached to said proximal end of said shaft.
60. (new) The surgical instrument of claim 58, wherein said gripping portion of said handle has a length and a width, the diameter of said cylindrical portion being greater than the width of said gripping portion of said handle.
61. (new) The surgical instrument of claim 58, wherein said surface is a cutting blade.
62. (new) The surgical instrument of claim 58, wherein said surface forms a sharp tip.
63. (new) The surgical instrument of claim 58, wherein said gripping portion of said handle and said shaft each have a length, the length of said shaft being greater than the length of said gripping portion of said handle.
64. (new) The surgical instrument of claim 58, wherein said arm has a cutting surface adapted to directly contact and cut cancellous bone in response to rotating said shaft, said cutting surface being adapted to make a radial cut through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft.
65. (new) An system for use in spinal surgery, said system comprising:
a cannula having a proximal end, a distal end configured for engagement with at least one vertebral body of a human spine, a length therebetween, and a passage connecting said proximal and distal ends; and
a surgical instrument comprising:
a shaft having a proximal end, a distal end, and a longitudinal central axis between said proximal and distal ends, said instrument being adapted to be deployed into position to displace cancellous bone by movement of said shaft within and along said passage of said cannula;
an arm extending radially from said shaft proximate said distal end of said shaft, said arm having a surface adapted to directly contact and

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displace cancellous bone in response to moving said shaft within said passage of said cannula, said surface being adapted to make a path through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft; and

a depth stop on said shaft adapted to limit over penetration of said shaft through said cannula.

66. (new) The system of claim 65, wherein said depth stop comprises a shoulder circumferentially surrounding said shaft.
67. (new) The system of claim 66, wherein said depth stop has a diameter greater than a diameter of said passage of said cannula.
68. (new) The system of claim 65, wherein said depth stop includes a lower surface adapted to abut a proximal end of said cannula to limit movement of said bone instrument through said cannula.
69. (new) The system of claim 65, wherein said surface includes a tip spaced apart from the longitudinal central axis of said shaft and said depth stop has an outer perimeter in a plane transverse to the longitudinal central axis of said shaft, at least a portion of the outer perimeter of said depth stop being closer to the longitudinal central axis of said shaft than said tip.
70. (new) The system of claim 65, wherein said surgical instrument further comprises an elongated handle having opposed ends and a rounded gripping portion therebetween, said handle having a midpoint half way between said opposed ends
71. (new) The surgical instrument of claim 70, further comprising a cylindrical portion having a height parallel to the longitudinal central axis of said shaft and a diameter transverse to the central longitudinal axis of said shaft, the diameter of said cylindrical portion being greater than the height of said cylindrical portion, said cylindrical portion forming a portion of said handle.
72. (new) The surgical instrument of claim 71, wherein said cylindrical portion is attached to said proximal end of said shaft.

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73. (new) The surgical instrument of claim 70, wherein said gripping portion of said handle has a length and a width, the diameter of said cylindrical portion being greater than the width of said gripping portion of said handle.
74. (new) The surgical instrument of claim 65, wherein said surface is a cutting blade.
75. (new) The surgical instrument of claim 65, wherein said surface forms a sharp tip.
76. (new) The surgical instrument of claim 65, wherein said gripping portion of said handle and said shaft each have a length, the length of said shaft being greater than the length of said gripping portion of said handle.
77. (new) The surgical instrument of claim 65, wherein said arm has a cutting surface adapted to directly contact and cut cancellous bone in response to rotating said shaft, said cutting surface being adapted to make a radial cut through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft.